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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/751,630

12/29/2000

Joanne S. Walter

9003

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01/27/2006

PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
1700 S. PATTERSON BLVD.
DAYTON, OH 45479-0001

EXAMINER

LIVERSEGE, JENNIFER L

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/751,630	Applicant(s) WALTER, JOANNE S.	
	Examiner Jennifer Liversedge	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/12/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/751,630 (12/29/2000) filed on December 12, 2005.

The amendment contains amended claims: 1, 4-7, 9, 11, 13-14, and 17.

The amendment contains original claims: 3, 8, 10, 12, 16, and 18-20.

The amendment contains previously presented claims: 2 and 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veeneman (US 5,754,981 of record).

Veeneman discloses (see columns 1-16, but in particular columns 1-6)

a) coupling an electronic consumer device (e.g., home personal computer or electronic telephone, col. 6, lines 12-19) to a computer (26) of a business (using e.g., a remote computer modem, 37, Figs. 1 or 3; wireless transceiver 54, Fig. 2; on-line, col. 9, lines 28-37),

b) accessing a personal data preferences program (col. 4, lines 16-33) of the computer by the consumer device for allowing a consumer to assign privacy options to different types of personal data collected and maintained by the business including a history of purchases from the business by the consumer, and to limit collection, use, and dissemination of the personal data in accordance with the privacy options (Figs. 9-10; column 2, lines 13-22; column 5, lines 54-57; column 7, lines 17-34 and lines 63-66; column 8, lines 49-62; column 9, lines 62-67; column 10, lines 1-17 and lines 23-43; col. 11, lines 39-67; column 13, lines 22-35).

c) recording consumer selection of the privacy options via the consumer device by the computer (col. 7, lines 18-34; only those that know the password(s) can access the registrant's most personal data and/or modify said data, col. 8, lines 56-62; even gift givers are not going to be allowed access to the registrant's credit card data, col. 7, lines 63-67);

d) coding selected privacy options by the computer (e.g., computer 26 coding the selected gift items or merely entering the registrant's data into a computer system requires coding into at the very least computer/binary codes; e.g., coding the registrant's name into a bar code, Fig. 9; col. 7, lines 18-34; unique ID, col. 8, lines 4-6);

e) downloading the coded privacy options to the consumer device (remote home computer storing cookies while talking to main computer 26 when registering or selecting gift items; column 8, lines 49-62; column 9, line 62 – column 1, line 1);

f) transferring the coded privacy options to a consumer storage media (memory in bar code reader, col. 5, lines 54-64; using a floppy disk, col. 5, line 64-col. 6, line 2; writing onto paper, col. 10, lines 18-38; col. 11, lines 39-67) such as a key flock or access card (bar code memory or floppy disk, col. 5, line 54-col. 6, line 2),

g) reading the coded privacy options from the consumer storage medium by a transaction computer during a transaction between the consumer and the business (interacting with the bar code reader and or storage mediums while logging wanted gifts, or when gift givers access the data to know what the registrant wants; control by second user, col. 2, lines 39-45);

h) limiting the collection, use, and dissemination of the personal data by the transaction computer in accordance with the coded privacy options (one of the computers accessed in the network, col. 6, lines 53-67; Fig. 4; col. 2, lines 35-55; using passwords, col. 7, lines 18-34; only those that know the password(s) can access the registrant's most personal data and/or modify said data, col. 8, lines 56-62; even gift givers are not going to be allowed access to the registrant's credit card data, col. 7, lines 63-67), and using magnetic strip readable formats (col. 5, line 54 – col. 6, line 2).

However, although Veeneman discloses a user entering personal data at a computer terminal (e.g., home personal computer, col. 6, lines 12-16), recording personal data preferences (Figs. 1-10E; recording name and/or wedding data that registrant wants to use, Figs. 9-10E or recording gift data via a bar code reader, col. 5, line 54-col. 6, line 2) and that the main computer/server can be remote and/or connected via a wireless (bar code scanner with memory being wireless) or wireline network, and that personal data preferences (e.g., wanted gift data) can be downloaded from the bar code reader to the bar code memory or floppy disk.

Veeneman fails to particularly call for downloading personal data preferences to the consumer device (such as sending the bar codes to the home computer), as specified in claims 1, 9 and 17.

It is obvious that the personal data preferences (e.g., selected via bar code reader gifts) which were downloaded to the floppy disk of the bar code reader and transferred to the main computer (Fig. 1; col. 5, line 54-col. 6, line 2) could have been downloaded to the consumer device (home personal computer, col. 6, lines 12-16), by simply sending the coded data in bar code form or any other computer format to the personal home computer via the Internet using the disclosed WAN, modems and/or phone lines because this would allow the registrant to compare the bar codes of the selected/wanted gifts to the bar codes shown in a catalog (col. 6, lines 19-24).

Response to Arguments

Applicant's arguments filed regarding 35 USC § 103 have been fully considered but they are not persuasive.

The Applicant argues that "Veeneman fails to disclose a system that allows a consumer to assign privacy options to different types of personal data collected and maintained by the business, including purchase history, and to limit collection, use, and dissemination of the personal data in accordance with the privacy options."

The Examiner notes that Veeneman discloses the system by which personal data is collected and maintained by a business and wherein privacy options allow the owners of the personal data to restrict access to it. The restricting of access can be accomplished via privacy options. For example, personal data such as credit card information, home phone number, street address and the like is maintained with the utmost privacy. Only those users with the identification code and password associated with the account have access to this information. The registrants maintain control and have privacy options regarding to whom they disclose this information.

From there, another level of privacy option is made available in that users (second parties) of the system may have access to certain types of personal data, such as which items have been selected and added to the registry list. However, access to this information may be provided when a second party knows the registrants last names, or the security option may require that the second party also know a registrants first name, ore both the bride's and groom's name, or a wedding date, etc. This adds levels of security, privacy options, to a second user gaining access to the registrant's personal data.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3628


HYUNG SONGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600